

# **Interview Summary**

Application No.

09/448,633

Applicant(s)

WEI ET AL.

Examiner

Marjorie A. Moran

Art Unit

1631

All participants (applicant, applicant's representative, PTO personnel):

(1) Marjorie A. Moran.

(3) Ai-Ping Wei.

(2) Melanie Gover.

(4) Dean Ersfeld.

Date of Interview: 01 February 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: All pending.

Identification of prior art discussed: GARMAN, TSIEN, ROHATGI, WEI.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Marjorie A. Moran  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The differences between energy transfer and dimerization were discussed. Inventor Wei stated that the excited state energy of a fluorescent dye can be dissipated in only one way, therefore a dye can not simultaneously undergo energy transfer and dimerization. He also argued that different dyes have different propensities to dimerize, therefore the dyes of GARMAN, even if they are capable of dimerization, would not necessarily dimerize with each other when attached to the substrate of GARMAN. The examiner answered that while energy transfer and dimerization may not occur simultaneously, the fact that dyes undergo energy transfer does not preclude the same dyes from dimerizing under the appropriate conditions. She maintained that as the dyes of GARMAN are known to dimerize in polar conditions, and as a flexible substrate such as that of GARMAN would be expected to attain different conformations and/or undergo conformational changes in solution, then the structure of GARMAN would be reasonably expected to dimerize in the polar (aqueous) solution taught by GARMAN. The possibility of "transfer" from one state to another (i.e. of moving from an "energy transfer" conformation to a dimer and vice versa) was discussed, but no agreement was reached. The examiner maintained that as GARMAN teaches the same structure and dyes recited in the claims, one would reasonably expect the structure taught by GARMAN to have the same properties recited in the claims. The examiner suggested that, in view of the prior art teachings that the dyes of GARMAN can dimerize, evidence from applicant showing that the dyes, when attached to the substrate of GARMAN could NOT undergo dimerization would be helpful in supporting applicant's arguments.